

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: December 14, 2010




C. Kathryn Preston
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: : Case No. 10 - 54533
FIRST COMMUNITY VILLAGE, : Chapter 11
Debtor and Debtor in Possession. : Honorable C. Kathryn Preston

**ORDER CONFIRMING THE FIRST AMENDED PLAN OF
REORGANIZATION OF FIRST COMMUNITY VILLAGE, AS MODIFIED AND
SUPPLEMENTED [Rel. Docs. No. 216, 232, 244, 256, 287, 295 and 297]**

The First Amended Plan of Reorganization for First Community Village (the “Debtor” or “FCV”)[Doc. No. 216], as supplemented and modified by: (i) the Modification to First Amended Plan of Reorganization for First Community Village [Doc. No. 232]; (ii) the First Amendment to Schedule C to First Amended Plan of Reorganization for First Community Village [Doc. No. 244]; (iii) the Second Modification to First Amended Plan of Reorganization for First Community Village [Doc. No. 256]; (iv) the Supplement to First Amended Plan of Reorganization for First Community Village, as Modified [Doc. No. 287]; (v) the Third

Modification to First Amended Plan of Reorganization for First Community Village [Doc. No. 295], and (vi) the Second Supplement to First Amended Plan of Reorganization for First Community Village, as Modified [Doc. No. 297] (collectively, the “Plan”)¹ having been transmitted to creditors and parties in interest; and

It having been determined after hearing on notice that the requirements for confirmation set forth in 11 U.S.C. § 1129(a) and, where applicable, § 1129(b) have been satisfied;

IT IS ORDERED that:

1. The Plan, as modified by this Order, shall be, and hereby is, confirmed.
2. All claims against Debtor are hereby discharged to the fullest extent permitted by § 1141 of title 11 of the United States Code.
3. The Debtor is hereby authorized and directed to take any and all acts necessary or appropriate to implement and consummate the Plan, including, but not limited, execution and delivery of all documents evidencing or relating to the Restructured Term Debt and collateral therefor, and its performance thereunder.
4. Susan L. Rhiel, Esq. shall be, and hereby is, appointed as the Appointed Estate Retained Actions Representative, as such term is defined in the Plan, pursuant to 11 U.S.C. § 1123(b)(3) and Article VII of the Plan.
5. Upon the Effective Date, all right, title and interest in and to Debtor’s assets which constitute property of the estate shall vest in the Reorganized Debtor or be transferred under the Plan, as the case may be, free and clear of all claims, liens and interest of creditors and interest holders, except those liens or interests retained or expressly provided pursuant to the Plan or the documents related to the Restructured Term Debt. Pursuant to Article XI of the Plan,

¹ Capitalized terms in this Order shall have the meaning ascribed to them in the Plan unless otherwise defined herein.

the liens and encumbrances listed on Exhibit “A” hereto shall be, and hereby are, deemed null, void and of no further force or effect and shall be cancelled and discharged of record. A certified copy of this Order may be recorded in the real estate records of Franklin County, Ohio to evidence and effectuate such cancellation and discharge.

6. Except to the extent addressed by this Order, or otherwise, and based upon the representations of counsel at the Confirmation Hearing, the objections to confirmation asserted by Weis Builders, Inc. (“Weis”) [Doc. No. 264], Chemcote, Inc. and Chemcote Roofing Co. collectively, (“Chemcote”) [Doc. No. 266], and National Consumer Cooperative Bank (“NCCB”) [Doc. No. 267] are each hereby withdrawn.

7. As represented at the Confirmation Hearing, and as evidenced by the approval of this Order by their respective counsel, Weis hereby amends its previously submitted ballot to reflect acceptance of the Plan as a Class B-6 claimant, Chemcote hereby amends its previously submitted ballots to reflect acceptance of the Plan as Class B-6 claimants, and NCCB hereby amends its previously submitted ballot to reflect acceptance of the Plan as a Class B-4 claimant. As now having voted to accept the Plan, NCCB is deemed to be a Released Party as such term is defined in Article XVIII of the Plan. Additionally, the Court hereby recognizes and acknowledges the accepting ballot of Sovereign as a Class B-3 claimant under the Plan.

IT IS SO ORDERED.

APPROVED:

/s/ Thomas R. Allen

Thomas R. Allen (0017513)
J. Matthew Fisher (0067192)
ALLEN KUEHNLE STOVALL & NEUMAN LLP
17 S. High Street, Suite 1220
Columbus, OH 43215-4100
(614) 221-8500; FAX: (614) 221-5988
Email: allen@aksnlaw.com
Email: fisher@aksnlaw.com
Counsel for Debtor and Debtor in Possession

/s/ Thomas L. Rosenberg

Thomas L. Rosenberg (0024898)
ROETZEL & ANDRESS, LPA
PNC Plaza
Twelfth Floor
155 East Broad Street
Columbus, Ohio 43215
(614) 463 9770; FAX (614) 463 9792
Email: trosenberg@ralaw.com
Counsel for Weis Builders, Inc.

/s/ Harry W. Greenfield

Harry W. Greenfield (0003839)
BUCKLEY KING LPA
600 Superior Avenue, East
1400 Fifth Third Center
Cleveland, Ohio 44114
(216) 363 1400; FAX (216) 579-1020
Email: Greenfield@buckleyking.com
Counsel for National Consumer Cooperative Bank

/s/ Joseph S. Streb

Joseph S. Streb (0021786)
736 Neil Avenue
Columbus, OH 43215
Phone: (614) 224-0200
Fax: (614) 224-9323
E-mail: streblaw@sbcbglobal.net
*Counsel for Chemcote, Inc. and
Chemcote Roofing Co.*

EXHIBIT A

MORTGAGE AND MECHANIC'S LIENS TO BE CANCELLED AND DISCHARGED

Subcontractor

Vance & Lightner
Chemcote, Inc
McNeil Group
APCO
Bruner Corp
Chemcote Roofing
Central Ohio Sheet Metal
Thermal Insulation
Central Ohio Sheet Metal
Weis Builders
Legacy Commercial
Flooring

Franklin County

Instrument No.

200708310154513
200709050156481
200710110178759
200710220183728
200711060193190
200712030207870
200802200025739
200803050033566
200803100036536
200804150057646

200804290064642

Mortgage Holder

Huntington National Bank

Franklin County

Instrument No.

200505200097094

Copies to All Creditors and Parties in Interest

###